

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BAX,)	
)	
Petitioner,)	Civ. Action No. 05-194 (Erie)
)	
v.)	Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
WARDEN, FCI MCKEAN,)	
)	filed electronically
Respondent.)	
)	

MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE

AND NOW, comes Respondent James F. Sherman, Warden, FCI McKean, by his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Wiegand, Assistant United States Attorney for said district, and respectfully requests this Honorable Court to enter an Order enlarging the time to file a Response to the Petition filed in this matter for the following reasons:

1. The instant Petition was served upon the United States Attorney for this district on August 11, 2005.
2. The instant Petition raises issues and questions relating to the validity of Petitioner's conviction and sentence, and the effectiveness of a 28 U.S.C. § 2255 petition previously filed by Petitioner on these issues.
3. Preliminary review of the Petition indicates that in order to be able to obtain the necessary documents to adequately respond to the Petition, the Respondent will need additional time from the date of the service of the instant Petition.

4. As a result, the Respondent respectfully requests an enlargement of time of an additional thirty (30) days within which to file a response to the Petition.

5. The response to the Petition is currently due to be filed on or before August 31, 2005.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Respondent respectfully requests that this Honorable Court enter an Order enlarging the time for filing an Response to the Petition for an additional thirty (30) days, or until September 30, 2005.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Christy Wiegand

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Counsel for the Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served this date a copy of the within *Motion for Enlargement of Time to File Response*, by mail or electronic filing, upon the following:

John Bax
Reg. No. 07328-067
FCI McKean
P.O. Box 8000
Bradford, PA 16701

s/ Christy Wiegand
CHRISTY WIEGAND
Assistant United States Attorney

Date: August 12, 2005